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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/719,300	11/21/2003	Paul Masami Aoki	A1441-US-NP-9841-032	2108
65650 7590 01/15/2008 MARGER JOHNSON & MCCOLLOM/PARC 210 MORRISON STREET SUITE 400 PORTLAND, OR 97204			EXAMINER NGUYEN, KEVIN M	
			ART UNIT 2629	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/719,300

Applicant(s)

AOKI ET AL.

Examiner

Nguyen M. Kevin

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 05 November 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-6, 8-20, 22-25, 27 and 28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6, 8-20, 22-25, 27 and 28 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

***Response to Amendment/Arguments***

1. The applicant cancelled claims 7, 21, 26, and 29-33, and amended claims 1, 15 and 23.

Thus, claims 1-6, 8-20, 22-25, 27 and 28 are pending in this application.

2. In view of the applicant's amendment filed 11/5/2007, 35 U.S.C. 112, first paragraph, and second paragraph, with respect to claims 1-14 and 31-33 stand withdrawn.

3. In view of the applicant's argument, see pages 8-11, filed on 11/5/2007, with respect to the amended claims 1, 15 and 23 have been fully considered and are not persuasive. The amendment necessitated a new ground(s) of rejection presented in this final office action.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

1. Claims 1-6, 8-20, 22-25, 27 and 28 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

2. Regarding claims 1, 15 and 23, the phrase "display layer components activate and deactivate" renders the claim(s) indefinite because the claim(s) include(s) elements are not consistent in the specification. The entire specification, paragraph 38, only discloses "display layer component activate or deactivate." Appropriate correction is required.

3. For the purposes of rejections below, the claimed limitation is supposed to be "display layer component activate or deactivate."

***Claim Rejections - 35 USC § 103***

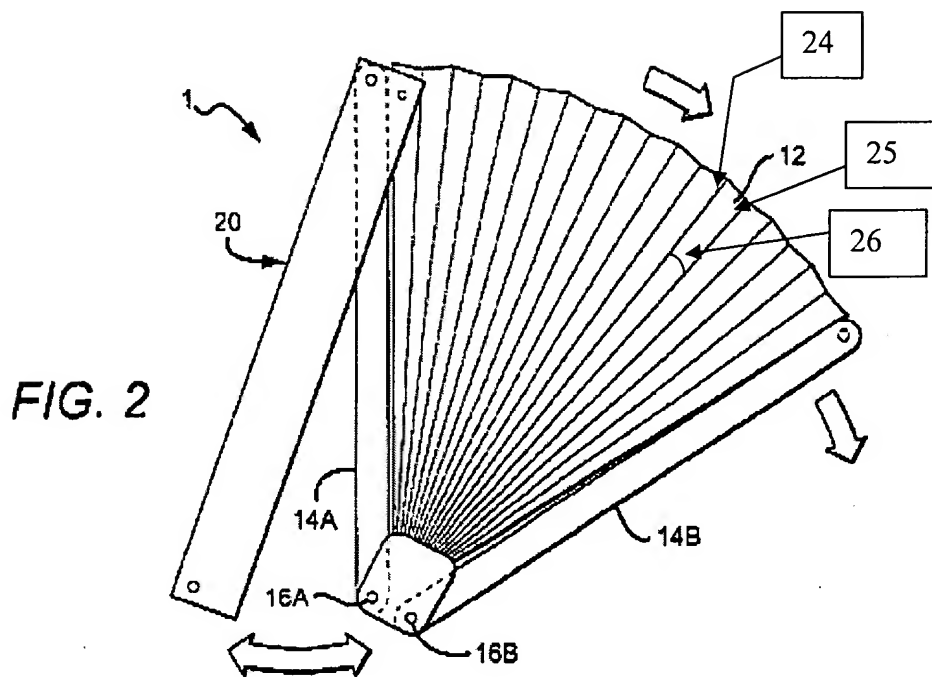
1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-6 and 8-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over DuBois (US 6,793,460) and Chang et al. (US 66,297,838, hereinafter Chang).

3. As to claim 1, DuBois teaches a fan-shaped display between an expanded configuration with a greater visible area and a collapsed configuration with a smaller visible area [see Figs. 1 and 2], the collapsible display comprising:

at least three collapsible sections [at least three folded display portions 12, Fig. 2], including at least one display section [it is noted that the folded display portions 12 also be made luminous by incorporating LED(s) display device or other devices, see col. 4, lines 1-2], coupled such that when the collapsible display is in the expanded configuration [when the fan-shaped display is unfolded, see Fig. 4], each of the collapsible sections [12] has a first end [24<sup>i</sup>] adjacent to another of the collapsible sections [12], the adjacent ends substantially aligned along an axis each display section [12] further has a second end [25<sup>i</sup>] that is substantially opposite to the first end [24<sup>i</sup>] and substantially oblique relative to the first end [two line segments, e.g., the combination of the first end [24<sup>i</sup>] and the second end [25<sup>i</sup>] forms an acute angle, see Fig. 2, col. 3, lines 9-44 for further details of the explanation].



Accordingly, DuBois teaches all of the claimed limitation, except for “at least one display section having addressable display element to form an image, and display layer components to activate or deactivate an addressed display element.”

As modified by Chang reference, Chang teaches the deficiencies of DuBois in which deformable display layer (10) is unfolded or folded corresponding open or closed display image. The deformable display layer (10) comprises capacitor sensor (22) is inside the controller layer 10. This control capacitor sensor (22) is driving to address the image or pixels, when the deformable display layer is open (corresponding to the display layer components to activate as claimed), or when the deformable display layer is closed (corresponding to the display layer components to deactivate as claimed), see col. 6, lines 5-43, and col. 1, lines 28-42.

4. As to claim 2, DuBois further teaches the collapsible display of claim 1, further comprising a pivot [16A, Fig. 2] to which each display sections [12] is connected and about which each display section [12] can rotate [see col. 3, lines 30-44 for details of the operation].

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5. As to claim 3, DuBois further teaches the collapsible display apparatus of claim 2, wherein at least one of the display sections [12, Fig. 2] is rotatable between: a first position [a closed position] about the pivot [16A] in which the display section [12] overlaps significantly with another of the display sections [12] such that the display sections [a plurality of display sections 12] occupy the smaller visible area [see Fig. 3], and a second position [an open position] about the pivot [16A] where the display sections [the plurality of display sections 12] occupy the greater visible area [see Figs. 1-3, col. 3, lines 9-44 for further details of the operation].

6. As to claim 4, DuBois further teaches the apparatus of claim 2, wherein at least one of the display sections [12] is rotatable between a first position [a closed position] about the pivot [16A] in which the collapsible display [12] occupies the smaller visible area [the closed position of the fan-shaped display], and a second position [an open position] about the pivot [16A] where the collapsible display [12] occupies the greater visible area [the open position of the fan-shaped display, see Figs. 1-3, col. 3, lines 9-44 for further details of the operation].

7. As to claim 5, DuBois further teaches the display apparatus of claim 1, comprising a hinge element [24<sup>i</sup>, Fig. 2] for enabling the display sections [12] to rotate on an axis; two opposing panels [12]; an additional hinge element [25<sup>i</sup>, Fig. 2] for connecting adjacent sides of the two opposing panels and further for allowing the two opposing panels to rotate between an open position and a closed position, wherein the display sections [12] are coupled to the two opposing panels such that the display sections [12] are collapsed when the two opposing panels are in the closed position and the display sections are expanded when the two opposing panels are in the open position [see col. 3, lines 9-44 for further details of operation].

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8. As to claims 6 and 7, DuBois further teaches the display apparatus of claim 1 and 6, comprising a section of a flexible display membrane secured to each of the display sections, and said display membrane comprising an electric paper [it is also contemplated that some fans may be made luminous by incorporating one or more lights, LED(s) display device or other devices, see col. 3, line 63 -- col. 4, line 2. Thus, the fan portion (1) has an electric paper corresponding to a flexible display membrane as claimed].

9. As to claim 8, DuBois further teaches the display apparatus of claim 6, comprising an electronic device for providing display instructions to the display membrane [see col. 3, lines 45-62 for further details of the explanation].

10. As to claim 9, Cheng conventionally discloses the display apparatus of claim 8, said electronic device comprising at least one of: a portable computing device, col. 1, lines 25-26.

11. As to claim 10, Cheng teaches the collapsible display comprising a flexible display including a plurality of discrete elements being addressed by image (*the deformable display membrane 10 is driving to display the image by controlling of the capacitor sensor 22, the image is made up of a plurality of pixels, at least one pixel turns on or off which implies the discrete element, col. 6, lines 5-43*).

12. As to claim 11, DuBois further teaches the display apparatus of claim 8, wherein the display section extends from one of: a side [14A, Fig. 2] and a corner [15, Fig. 1] of the electronic device [see Fig. 2, col. 3, lines 30-44 for further details of the operation].

13. As to claim 12, DuBois further teaches the apparatus of claim 8, wherein the collapsed display membrane is at least partially retractable into a body of the electronic device [the fans-

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shaped is in the closed and open positions, see Figs. 1-7, cols. 3 and 4, for further details of the explanation].

14. As to claim 13, Cheng further teaches the collapsible display comprising a flexible display including a plurality of discrete elements being addressed by image (*the deformable display membrane 10 is driving to display the image by controlling of the capacitor sensor 22, the image is made up of a plurality of pixels, at least one pixel turns on or off which implies the discrete element, col. 6, lines 5-43*).

15. As to claim 14, Cheng further teaches the display apparatus of claim 13, the display membrane further comprising a control layer for addressing the plurality of pixels (*the deformable display layer comprises capacitor sensor 22 is inside the controller layer 10. This display is addressed the image by the control sensor 22, the image is made up of a plurality of pixels, col. 6, lines 5-43*).

Cheng's benefit is well suited for interaction with small computer device, and may even be cross-cultural to a limited extend, with ability to squeeze or pinch being universal human attributes (col. 2, line 66 to col. 3, line 3 of Cheng). Thus, it would have been obvious to a person of ordinary skill in the art to apply Cheng to Dubois to achieve the predictable result. Using the known technique of Cheng would have been obvious to one of ordinary skill.

16. Claims 15-19 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gomez (5,950,241) in view of Chang et al (6,297,838) hereinafter Chang.

As to claim 15, figures 5A, 5B and 5C of Gomez teach a collapsible display deformable between an expanded configuration with a greater visible area and a collapsed configuration with a smaller visible area, the collapsible display comprising:



a flexible display membrane (18) having addressable display elements, and at least one support member (16) connected to the flexible display membrane, for supporting a portion of the flexible display membrane during an out-of-plane deformation; and

a deformable rim (16) forming an outer periphery of the flexible display membrane (18), wherein the at least one support member (16) is secured to positions along the deformable rim (16) and the, deformable rim (16) is biased to allow a section of the flexible display membrane (18) to be twisted about at least one axis to form the collapsed configuration and untwisted about the at least one axis form the expanded configuration with a single action, (*Gomez discloses the hat that is hardly twisted and folded with multiple actions, more than one single action as claimed, it would have been obvious to easily open the folding hat with returning a single action, see figs. 5A, 5B, 5C, and col. 8, line 58 through col. 9, lines 17).*

Gomez fails to teach a flexible display membrane having addressable display elements and display layer components for activating or deactivating addressed display elements.

As modified by Chang reference, Chang teaches the deficiencies of DuBois in which deformable display layer (10) is untwisted or twisted of deformable surface 20 corresponding open or closed display image. The deformable display layer comprises capacitor sensor 22 is inside the controller layer 10. This capacitor sensor (22) is driving to address the image or pixels, when the deformable display layer is open (corresponding to the display layer components to activate as claimed), or when the deformable display layer is closed (corresponding to the display layer components to deactivate as claimed), see col. 6, lines 5-43, and col. 1, lines 28-42.

As to claim 16, Gomez further teaches a pivot, and each support member connected to the pivot about which the support member can rotate (see col. 9, lines 1-5).

As to claim 17, figures 5A, 5B, and 5C of Gomez further teach the display apparatus of claim 15, said at least one support member (16) is rotatable between a first position about the pivot (axial rotation), in which the portion of the flexible display membrane [18] overlaps significantly with a second portion of the flexible display membrane [18] such that the flexible display membrane [18] occupies a smaller visible area, and a second position about the pivot in which the first and second portions of the flexible display membrane occupy a greater visible area.

17. As to claim 18, figures 5A, 5B, and 5C of Gomez further teach the display apparatus of claim 15, comprising two opposing panels [two display sections 18]; and a hinge element [axial rotation] for connecting adjacent sides of the two opposing panels and further for allowing the two opposing panels to rotate between an open position (fig. 5A) and a closed position (fig. 5C), wherein the flexible display membrane [18] is secured to the two opposing panels at a plurality of positions such that the at least one display section is collapsed when the two opposing panels are in the closed position and the at least one display section is expanded when the two opposing panels are in the open position (fig. 5A).

18. As to claim 19, figure 5A of Gomez further teaches the display apparatus of claim 15, wherein the at least one support member [16] is secured to positions along an outer periphery.

19. As to claim 22, Chang further teaches the display apparatus of claim 15, comprising an electronic device for providing display instructions to the display membrane [see col. 9, lines 11-16].

Cheng's benefit is well suited for interaction with small computer devise, and may even be cross-cultural to a limited extend, with ability to squeeze or pinch being universal human

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attributes (col. 2, line 66 to col. 3, line 3 of Cheng). Thus, it would have been obvious to a person of ordinary skill in the art to apply Cheng to Dubois to achieve the predictable result. Using the known technique of Cheng would have been obvious to one of ordinary skill.

20. As to **claim 23**, figures 5A, 5B and 5C of Gomez teach a display apparatus, comprising:

a display membrane (18) having addressable display elements and having at least one individually-deformable section, wherein when an individually-deformable section is collapsed, the collapsed section forms a first geometric configuration having a first area, and when the collapsed section is expanded, the expanded section forms a second geometric configuration having a second area greater than the first area: and

a deformable rim (16) around the section of the display membrane (18), wherein the deformable rim (16) is biased to allow the section to be twisted about at least one axis to form a collapsed position and untwisted about the at least one axis to form a visual display area, such that the collapsed position and visual display area are achievable with a single action *(it is supposed to be that an entire hat is displayed, and twisted with  $\frac{1}{2}$  twist and  $\frac{1}{4}$  twist of actions, more than one single action as claimed, it would have been obvious to easily untwist for viewing the display hat with returning a single action, see figs. 5A, 5B, 5C, and col. 8, line 58 through col. 9, lines 17).*

Gomez fails to teach a flexible display membrane having addressable display elements and display layer components for activating or deactivating addressed display elements.

As modified by Chang reference, Chang teaches the deficiencies of DuBois in which deformable display layer (10) is untwisted or twisted of deformable surface 20 corresponding open or closed display image. The deformable display layer comprises capacitor sensor 22 is

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inside the controller layer 10. This capacitor sensor (22) is driving to address the image or pixels, when the deformable display layer is open (corresponding to the display layer components to activate as claimed), or when the deformable display layer is closed (corresponding to the display layer components to deactivate as claimed), see col. 6, lines 5-43, and col. 1, lines 28-42.

As modified by Chang reference, Chang teaches the deficiencies of DuBois in which deformable display layer (10) is untwisted or twisted of deformable surface 20 corresponding open or closed display image. The deformable display layer comprises capacitor sensor 22 is inside the controller layer 10. This capacitor sensor (22) is driving to address the image or pixels, when the deformable display layer is open (corresponding to the display layer components to activate as claimed), or when the deformable display layer is closed (corresponding to the display layer components to deactivate as claimed), see col. 6, lines 5-43, and col. 1, lines 28-42.

21. Claims 24, 25, 27 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gomez in view of Chang as applied to claim 23 above, and further in view of DuBois.

22. As to claim 24, both Gomez and Chang teach all of the claimed limitation of claim 23, except for a plurality of support members for supporting the display membrane, each support member having a first end connected to a pivot point about which the support member may rotate to expand and collapse the at least one individually-deformable sections of the display membrane. As modified by DuBois reference, DuBois teaches the deficiencies of Gomez and Chang in which a fan-shaped display comprises a plurality of support members [14A and 14B] for supporting the display membrane [12], each support member [14A] having a first end connected to a pivot [16A] point about which the support member may rotate to expand and

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collapse the at least one individually-deformable sections of the display membrane (the open position of the fan-shaped display device, see Figs. 1-3, col. 3, lines 9-44).

23. As to claim 25, DuBois further teaches the display apparatus of claim 24, each of the expanded sections forming a fan-shaped display [a fan-shaped display (1) is in the open position for display area, which is made luminous by incorporating more lights, LED(s), or other devices, see Fig. 2, col. 4, lines 1-2].

24. As to claim 27, DuBois further teaches the display apparatus of claim 24, comprising: two opposing panels [a left and right display section 12 are symmetric to an axis 24, Fig. 2]; a hinge [24] for connecting adjacent sides of the two opposing panels [12] for allowing the two opposing panels [12] to rotate between an open position and a closed position; and a section of the display membrane [12] connected to at least one of the opposing panels, wherein the section [12] is deformed when the two opposing panels are in the closed position and the section is unfolded when the two opposing panels are in the open position to form a display area [the closed and open position of the fan-shaped display device, see Figs. 1-3, col. 9-44 for further details of the explanation]. Chang teaches the documents which display in either iconic (136) or textual display modes (fig. 4, col. 9, lines 5-17) (corresponding to a flexible display membrane having addressable display elements as claimed).

25. As to claim 28, DuBois further teaches the display apparatus of claim 24, comprising a display hub [15, Fig. 1] for connecting the at least one individually deformable section [12] of the display membrane; and at least one support member [14A] for expanded and collapsing the at least one individually-deformable section [12] between the first and the second geometric

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configurations about the hub [the closed and open position about the hub 15, see Figs. 1-3, col. 3, lines 9-44].

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Gomez and Chang to become pivotable and foldable for the display fan device as taught by DuBois because this would improve visibility of fans by making at least portions of the fans reflective or luminous, a symbol, a word, and a phrase for using in the warning includes the following: stop, warning ped, pedestrian, and crossing (col. 1, lines 51-59 of DuBois). The motivation for doing so would apply any display device, and any type of bending, folding or twisting by a structure that noticeably alters its shape (see figures 4-12 of Chang, and figures 5A, 5B, and 5C of Gomez), and would incorporate any or other types of electronic display devices (see col. 4, lines 1-2 of DuBois).

26. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gomez in view Cheng, and further in view of Comiskey et al (US 6,473,072).

The combination of Gomez and Cheng teaches all of the claimed limitation of claim 1, except for said electronic device comprising a display wand for addressing the visual display elements of at least a portion of the display membrane.

However, Comiskey et al teaches a display wand [a scanning display device, see Figs. 15b, and 16a-16f] for addressing the visual display elements of at least a portion of the display membrane [an electronic paper, see col. 2, lines 51-60, and col. 17, lines 1-63 for further details of the explanation].

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Gomez and Cheng to have the scanning in the electronic flexible

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display as taught by Comiskey, because this would provide the excellent contrast and brightness of the erasable drawing/markings/images being displayed on the electronic flexible display, while fabricating the lifetime issues [see Comiskey, col. 5, lines 14-18, and col. 13, lines 58-67].

27. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gomez in view of Chang as applied to claim 15 above, and further in view of DuBois.

Both Gomez and Chang teach all of the limitation of claim 15, except for a hub, wherein the at least one support member is connected to the hub at a first end and secured to positions along an outer periphery of the flexible display membrane at a second end such that each support member is rotatable between a first position about the hub where each support member is substantially parallel to each other and the flexible display membrane is collapsed to a smaller visible area and a second position about the hub where the flexible display membrane forms at least a portion of a visible area having a greater visible area. As modified by DuBois reference, DuBois further teaches the deficiencies of Gomez and Chang in which the flexible display apparatus comprises a hub [15, Fig. 1], wherein the at least one support member [14A] is connected to the hub [15] at a first end and secured to positions along an outer periphery of the flexible display membrane [12] at a second end such that each support member is rotatable between a first position about the hub [15] where each support member [14A and 14B] is substantially parallel [see Fig. 6] to each other [when the fan-shaped display is in the closed position], and the flexible display membrane [12] is collapsed to a smaller visible area and a second position about the hub where the flexible display membrane forms at least a portion of a visible area having a greater visible area [when the fan-shaped display is in the open position, see Figs. 1-7, col. 3 and 4, for further details of the operation].

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It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Gomez and Chang to have the hub (15) being pivotable and foldable for the flexible display device as taught by DuBois, because this would improve visibility of fans by making at least portions of the fans reflective or luminous, a symbol, a word, and a phrase for using in the warning includes the following: stop, warning ped, pedestrian, and crossing (col. 1, lines 51-59 of DuBois). The motivation for doing so would apply any display device, and any type of bending, folding, or twisting by a structure that noticeably alters its shape (see figures 4-12 of Chang, and figures 5A, 5B, and 5C of Gomez), and would incorporate any or other types of electronic display devices (see col. 4, lines 1-2 of DuBois).

***Response to Arguments***

4. Applicant's arguments with respect to claims 1-6, 8-20, 22-25, 27 and 28 have been considered but are moot in view of the new ground(s) of rejection.

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,



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however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nguyen M. Kevin whose telephone number is 571-272-7697.

The examiner can normally be reached on MON-THU from 9:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Hjerpe can be reached on 571-272-7691. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

*/Kevin M. Nguyen/*

Kevin M. Nguyen  
Examiner  
Art Unit 2629

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<sup>i</sup> It is respectfully submitted that in the case law stated "Drawing as a Reference", "Things clearly shown in reference patent drawing qualify as prior art features, even though unexplained by the specification". See *In re Mraz*, 173 USPQ 25 (CCPA 1972). "A claimed invention may be anticipated or rendered obvious by a drawing in a reference, whether the drawing disclosure by accidental or intentional. However, a drawing is only available as a reference for what it would teach one skilled in the art who did not have the benefit of applicant's disclosure". See *In re Meng*, 181 USPQ 94, 97 (CCPA 1974). "Absent of any written description in the reference specification of quantitative values, arguments based on measurement of a drawing are of little value in proving anticipation of a particular length". See *In re Wright*, 193 USPQ 332, 335 (CCPA 1977).